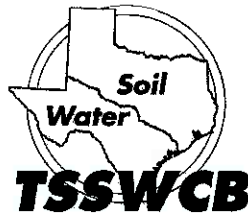


Jerry D. Nichols, *Chairman*
Reed Stewart, *Vice Chairman*
Aubrey Russell, *Member*
José Dodier, Jr., *Member*



Barry Mahler, *Member*
Joe Ward, *Member*
Larry Jacobs, *Member*
Rex Isom, *Executive Director*

TEXAS STATE SOIL & WATER CONSERVATION BOARD
Protecting and Enhancing Natural Resources for Tomorrow

June 1, 2007

To: All Chairmen of Texas Soil & Water Conservation Districts

Dear Chairman:

Enclosed are documents for conducting the district director election in Subdivision three. They are:

- Page 2 Checklist for district director elections
- Page 3 Process to cancel election and declare unopposed candidate elected
- Page 4 Process if more than one candidate files and election is held
- Pages 5 – 8 Pre-election forms
- Pages 9 – 14 Forms if actual election is held
- Pages 15 – 16 Forms if candidate unopposed – no election held
- Pages 17 – 19 Forms to be filled out by new director (whether the election was held or not)
- Page 20 Statute governing election for your reference

Please note that you must have a legal description of your district for the Due Notice of Election and legal description of the subdivision for the Notice to Eligible Voters.

If you have any questions pertaining to conducting the election, please feel free to call on your State Board Field Representative.

Sincerely,

Rex Isom
Executive Director

Checklist for District Director Elections

Prior to July 15th district directors shall hold a meeting in order to:

- ☐ 1. Designate a date, time and place for elections that is after September 30 and before October 16
- ☐ 2. Approve a "Notice to Eligible Voters"
- ☐ 3. Designate a director as the authority responsible for preparing the election ballots
- ☐ 4. Designate a director as the authority responsible for and set time and location for accepting declaration notices
- ☐ 5. Designate a director as chief election clerk and name assistant agents as deemed necessary
- ☐ 6. Designate a director as the presiding election judge
- ☐ 7. Post "Notice to Eligible Voters" (Page 5) in a prominent public place.

August 1st through 30th

- ☐ District must provide qualified individuals the opportunity to file for candidacy during established business hours in the month of August (Page 7).

.....

If only one candidate has filed at this point, skip to page 3. If more than one candidate has filed complete the items below and use the instructions on page 4.

.....

30 days prior to election date

- ☐ Notice must be published in a newspaper (Page 8) at least twice: 1st notice not more than 30 days prior to election and 2nd notice not later than 10 days prior to election. Cost will be incurred by district.

21 days prior to election date

- ☐ "Due Notice of Election" (Page 6) should be posted in at least three conspicuous places in your district.

2 days prior to the beginning of early voting (see next block)

- ☐ Last day for candidate to withdraw and not be on the ballot.
- ☐ Appointed district director should prepare the election ballots (Page 14)

17 days prior to election date through 4 days prior to election date including one Saturday

- ☐ Early voting by personal appearance (Page 9)

Process to Cancel Election and Declare Unopposed Candidate Elected

If only one candidate files a notice of candidacy during the August filing period the district will initiate the cancellation of the election:

1. The director designated to prepare the ballots will prepare the Certification of Unopposed Candidates (Page15) and file this form with the chairman of the district board of directors.
2. The district board of directors must post and meet in open session, accept the certification and issue an Order of Cancellation (page 16).
5. The directors shall record the proceedings of the meeting and no later than the fifth day after the date of the election, certify to the state board the name and address of the person elected.
3. On or after the scheduled official election day the candidate should take the Statement of Elected/Appointed Office (Page17), the Oath of Office (page18) and fill out the Personal Data Sheet (Page19). If the present director is re-elected these forms must still be completed. This person will assume their duties the day following the scheduled official election day.
4. To complete the cancellation process, a copy of the cancellation order must be posted on the scheduled day of election at the location that would have been used in the election.

District sends originals back to state office and keeps a copy for their files of the following forms:

Order of Cancellation
Personal Data Sheet
Statement of Appointed/Elected Officer
Notarized Oath of Office form

The name and proper address of the person elected is to be certified to the State Board no later than 5 days after the election.

Process if more than one candidate files and election is held

1. Appointed presiding election judge presides over election. (Sample text Page 13)
2. Appointed chief election clerk records the election proceedings
3. Election judge shall call the election meeting to order, review voter eligibility requirements and instruct all eligible voters (who did not vote early) to sign the Poll List for Election (Page 10)
4. Upon their signature certifying they are eligible voters, each voter shall be given a printed ballot to cast their vote (Page 14).
5. District Board shall separately tabulate the votes cast early and the votes cast at the election.
6. Candidate receiving a majority of all votes is elected to the office.
7. If no candidate received a majority, the two candidates receiving the largest number of votes shall be immediately voted on in a second ballot (voters should sign the poll list for second ballot [page 11]), and the candidate receiving the largest number of votes cast early and those cast in the second ballot is elected.
8. Election judge and chief election clerk must sign Election Certification Form (Page 12)
9. Newly elected director should complete the Personal Data Sheet (Page 19), Statement of Elected/Appointed Officer (Page 17) and Oath of Office (Page 18). If the present director is re-elected, these forms must still be completed.

District sends originals back to state office and keeps a copy for their files of the following forms:

Election Certification Form
Personal Data Sheet
Statement of Appointed/Elected Officer
Notarized Oath of Office form

The name and proper address of the person elected is to be certified to the State Board no later than 5 days after the election.

**TEXAS STATE SOIL AND WATER CONSERVATION BOARD
TEMPLE, TEXAS**

**NOTICE
TO
ELIGIBLE VOTERS**

OF THE _____
SOIL AND WATER CONSERVATION DISTRICT NO. _____

NOTICE OF FILING FOR CANDIDACY

To all eligible voters in the above named Conservation District as described under the provisions of V.T.C.A., Agriculture Code, Chapter 201, who hold title to farm and ranch lands lying within Subdivision No. _____ (legal description attached) within said Conservation District and intend to run as a candidate for the office of Director of _____ SOIL AND WATER CONSERVATION DISTRICT NO. _____, notice is hereby given that in accordance with the provisions of V.T.C.A. Agriculture Code, Section 201.073 and rules adopted by said district, that candidates must file a written notice of candidacy with said district during established business hours in the month of August at

(location)

Qualified voters of the above named Soil and Water Conservation District will assemble at _____ at _____ M, on the _____ day of _____
(location)

October, _____, then and there to elect a candidate owning land within said subdivision to serve as a member of the Board of Directors of said soil and water conservation district.

BY DIRECTION OF THE STATE SOIL AND WATER CONSERVATION BOARD

TEXAS STATE SOIL AND WATER CONSERVATION BOARD
TEMPLE, TEXAS

DUE NOTICE
OF
ELECTION

NOTICE OF ELECTION OF DIRECTOR TO REPRESENT SUBDIVISION NO. _____ OF THE
_____ SOIL AND WATER CONSERVATION DISTRICT
NO. _____

To all persons including the designated representatives of family farm corporations who are eligible voters in the above named Conservation District as described under the provisions of V.T.C.A., Agriculture Code, Chapter 201, who have attained the age of 18 years, and reside within a county, all or any part of which is included in the said Soil and Water Conservation District, and who hold title to farm and ranch lands lying within said Conservation District, notice is hereby given that in accordance with the provisions of V.T.C.A., Agriculture Code, Section 201.073, qualified voters of the above named Soil and Water Conservation District (legal description attached) will assemble at

at _____ M, on the _____ day of October, _____, then and there to elect a candidate owning land within said subdivision to serve as a member of the Board of District Directors of said soil and water conservation district.

Early voting by personal appearance will be conducted each weekday at:

_____ (location)
between the hours of _____ a.m. and _____ p.m. beginning on
_____ and ending on _____
(date) (date)

This time period includes Saturday, September/October _____, _____,
when you may vote early by personal appearance from _____ a.m. to
_____ p.m.
at _____.

BY DIRECTION OF THE STATE SOIL AND WATER CONSERVATION BOARD

DECLARATION NOTICE FOR CANDIDACY

TO: Chairman of the _____ SWCD No. _____

I hereby declare my intent to run as a candidate for Director of Subdivision No. _____ of the

_____ Soil and Water Conservation District No. _____.

Name _____

Residence Address _____

City _____ Zip Code _____

1. I reside in a county all or part of which is in the district.
Yes ____ No ____
2. I own agricultural land in the subdivision for which I am filing notice of candidacy.
Yes ____ No ____
3. I am actively engaged in the business of farming or animal husbandry.
Yes ____ No ____
4. I am 18 years of age or older
Yes ____ No ____

I further declare that all foregoing information included in this notice is in all things true and correct.

Signature of Candidate

Date

To be completed by the district or designated agent:

Date Received

Signature of Receiving Officer

.....

Certification of Withdrawal

I, _____, a candidate for the office of Director of Subdivision No. _____ of the
_____ SWCD No. _____, hereby withdraw my candidacy from the October _____,
_____, election for district director. The election is being conducted by the district named above.

Signature of Candidate

Date

To be completed by the district or designated agent:

This withdrawal was acknowledged on _____

Date

Signature of Receiving Officer

EXAMPLE NOTICE FOR NEWSPAPER PUBLICATION

DIRECTOR ELECTION AND NOTICE. The _____

Soil and Water Conservation District No. _____ Board of Directors hereby orders and gives notice of an election for the purpose of electing one director for Subdivision _____. In accordance with provisions of V.T.C.A., Agriculture Code, Section 201.073, qualified voters of the above named district will assemble October _____, at _____m. at

_____ to conduct the election. Early voting by
(location)

personal appearance for eligible voters will begin on, _____, September _____,
(day)

_____, and continue each weekday through, _____, September/October,
(day)

_____, _____, from _____ a.m. to _____ p.m. at

_____. Early voting shall also be conducted on
(location)

Saturday, September/October, _____, _____, from _____ a.m. to _____ p.m. at

_____. Additional election information is available
(location)

by contacting the _____ SWCD at

_____ or by calling _____.
(location) (contact phone number)

POLL LIST OF EARLY VOTING BY PERSONAL APPEARANCE CONDUCTED AT _____

We, the undersigned, do hereby certify that we are 18 years of age or older and are owners of farmland or ranchland or a designated representative of a family farm corporation within the _____ Soil and Water Conservation District No. _____ and reside in a county, all or some part of which is included in said Soil and Water Conservation District.

[illegible]

9

SOIL AND WATER CONSERVATION DISTRICT DIRECTOR ELECTION

BOARD OF DIRECTORS FROM SUBDIVISION NO. _____

Soil and Water Conservation District No. _____ and reside in a county, all or some part of which is included in said Soil and Water Conservation District.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(Attach additional signature page if needed)

THE DISTRICT MUST KEEP THIS FORM FOR 60 DAYS FOLLOWING THE DATE OF THE ELECTION

POLL LIST FOR SECOND (RUN-OFF) BALLOT CONDUCTED AT _____

We, the undersigned, do hereby certify that we are 18 years of age or older and are owners of farmland or ranchland or a designated representative of a family farm corporation within the _____ Soil and Water Conservation District No. _____ and reside in a county, all or some part of which is included in said Soil and Water Conservation District.

[illegible]

THE DISTRICT MUST KEEP THIS FORM FOR 60 DAYS FOLLOWING THE DATE OF THE ELECTION

Election Certification Form

This is to certify that _____
whose mailing address is _____
has been duly elected director from Subdivision No. _____ of the
_____ Soil and Water
Conservation District No. _____ at an election held on _____,
_____, _____, at _____, Texas.

Yours very truly,

Presiding Election Judge

Chief Election Clerk

General Instructions for the Presiding Election Judge in the SWCD Director Election Process

- I. Call Election Meeting to Order:** "This election meeting is called to order under the requirements of Title 7, Chapters 201.073 of the Agricultural Code of Texas."
- II. Purpose:** "This election is for the purpose of electing a soil and water conservation district director for subdivision # _____ of the Soil and Water Conservation District."
- III. Legal Description of the Subdivision in which a director is to be elected:** *As attached to Notice to Eligible Voters*
- IV. Brief Overview of SWCD:** "The _____ Soil and Water Conservation District is a legal subdivision of Texas State Government. It was organized by local landowners that petitioned for and received a Certificate of Organization from the State of Texas for the purpose of providing for the conservation of soil, water and related resources within the district. The district is self-governed by five elected landowners who make up the Board of Directors. Furthermore, it is the purpose of the Soil and Water Conservation district to encourage all landowners and landusers within its boundaries to cooperate in planning and voluntarily apply conservation programs on agricultural as well as urban lands."
- V. Eligibility for Office:** "In order to serve a four-year term as a director for Subdivision _____ of the _____ Conservation District, the person elected must be an eligible voter at least 18 years of age and own land within Subdivision _____. The person must also be actively engaged in the business of farming or ranching and be a resident of the county all or part of which is included in the conservation district."
- VI. Eligible Voter:** "A person is eligible to vote in the election of a SWCD director if the individual holds title to farmland or ranchland lying within the _____ SWCD and is at least 18 years of age and is a resident of the county all or part of which is included in the _____ Soil and Water Conservation District. (If a family farm corporation owns farmland or ranchland in the conservation district, the corporation is entitled to one vote in the election. The corporation shall designate one corporate officer to vote for the corporation in the election. The designated officer must meet the above requirements relative to legal age and residency in the county all or part of which is included in the conservation district.)"

OFFICIAL BALLOT

October _____, _____

Director for _____ Soil and Water Conservation District # _____

Candidate for Subdivision No. _____	
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Vote for the candidate of your choice in each race by placing an "X" in the square beside the candidate's name.

SAMPLE

CERTIFICATION OF UNOPPOSED CANDIDATES

TO: Chairman of the _____ Soil and Water
Conservation District No. _____

As the authority responsible for having the official ballot prepared, I hereby
certify that the following candidate is unopposed for election to office for
the election scheduled to be held at _____ M on _____.

List office and name of candidate:

Office

Candidate

Director of Subdivision No. _____

Signature

Printed name

Title

Date of signing

ORDER OF CANCELLATION

The _____ Soil and Water Conservation
District No. _____ hereby cancels the election scheduled to be held at ____M on
_____. In accordance with V.T.C.A., Agriculture
(date of scheduled election)

Code, Section 201.073(d) the following candidate has been certified as unopposed and is
hereby elected as follows:

Candidate: _____

Mailing Address: _____

Office Sought: Director of Subdivision No. ____ of the _____
_____ SWCD No. _____

Chairman

Secretary

Date of Adoption

A copy of this order to be posted on Election Day at the place that would have been
used in the election.

STATEMENT OF ELECTED/APPOINTED OFFICER

I, _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Affiant's Signature

Director of the _____

Soil and Water Conservation District No. _____

City and/or County

Subdivision # _____

(Position to Which Elected/Appointed)

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Director of the _____ Soil and Water Conservation District No. _____, Subdivision # _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Affiant

SWORN TO and subscribed before me by affiant on this _____ day of _____, _____.

(stamp)

Signature of Notary Public

Printed Name

Form must be notarized

Title

PERSONAL DATA SHEET

(Name of Director) _____ Date of Birth _____

Social Security No. _____ County _____

(Complete mailing address)

(Area code) (Home phone) _____ (Area code) (Business phone) _____

_____ Yes _____ No Do you reside in a county all or any part of which is in the district
and own agricultural land in the zone that you are to represent?

_____ Yes _____ No Are you actively engaged in the business of farming or animal
husbandry?

_____ Yes _____ No Are you a District Cooperator?

Professional or business interests, if any, other than farming or ranching:

___ Lawyer ___ Doctor ___ Dentist ___ Engineer (kind) _____

___ Teacher ___ Preacher ___ Banker ___ Other _____

List membership and offices in local, state, or national organizations, agencies, etc.

Previously held:

Presently held:

Date

Signature of Director

Name of Soil and Water Conservation District

District #

Subdivision #

Soil & Water Conservation District Director Elections

§201.003. Eligible Voter

- (a) A person is eligible to vote in an election under this chapter if the person:
 - (1) is an individual who holds title to farmland or ranchland lying within a conservation district, a conservation district proposed by petition, or territory proposed by petition for inclusion within a conservation district, as applicable;
 - (2) is 18 years of age or older; and
 - (3) is a resident of a county all or part of which is included in the conservation district, the conservation district proposed by petition, or the territory proposed for inclusion, as applicable.
- (b) If a family farm corporation owns farmland or ranchland in a conservation district, in a proposed conservation district, or in territory proposed for inclusion in a conservation district, the corporation is entitled to one vote in each election under this chapter that would affect the land owned by the corporation. The corporation shall designate one corporate officer to vote for the corporation in the election. The designated officer must be:
 - (1) 18 years of age or older; and
 - (2) a resident of a county all or part of which is included in the conservation district, the proposed conservation district, or the territory proposed for inclusion in a conservation district.

Acts 1981, 67th Leg., p. 1460, ch. 388, Sec. 1, eff. Sept. 1, 1981. Amended by Acts 1985, 69th Leg., ch. 611, Sec. 2, eff. Sept. 1, 1985.

§201.004. Notice; Election Informalities

- (a) If this chapter requires that notice of a hearing or an election be given, the entity responsible for giving notice shall:
 - (1) publish notice at least twice, with an interval of at least seven days between the publication dates, in a newspaper or other publication of general circulation within the appropriate area; and
 - (2) post notice for at least two weeks at a reasonable number of conspicuous places within the appropriate area, including, if possible, public places where it is customary to post notices concerning county or municipal affairs generally.
- (b) A hearing for which notice is given under this section and which is held at the time and place designated in the notice may be adjourned from time to time without renewing notice for the adjourned dates.
- (c) If notice of an election is given substantially in accordance with this section and the election is fairly conducted, an informality in the conduct of the election or in any matter relating to the election does not invalidate the election or its result.

Acts 1981, 67th Leg., p. 1460, ch. 388, Sec. 1, eff. Sept. 1, 1981.

§201.072. Qualifications of Directors

In order to serve as a director, a person must be an eligible voter who owns land within the numbered subdivision from which the person is appointed or elected and must be actively engaged in the business of farming or animal husbandry.

Acts 1981, 67th Leg., p. 1470, ch. 388, Sec. 1, eff. Sept. 1, 1981.

§201.073. Election of Directors

- (a) Except as provided for the initial election of directors, the persons who are eligible voters and own land in a conservation district are entitled to elect the directors for the district. For that purpose, the eligible voters shall meet each

year on a date and at a time and place designated by the existing board of directors. The directors shall designate for the election a date that is after September 30 and before October 16. Before July 15 of each year, the directors shall designate a date, time, and place for that year's election of directors.

- (b) To be eligible for election under this section, an individual must file a written notice of the individual's candidacy. The individual must file the notice:
 - (1) during established business hours in the month of August at a location designated by the district; and
 - (2) in accordance with district rules.
- (c) The district shall post a notice stating the requirements of Subsection (b) in a prominent public place.
- (d) If only one individual files a notice of candidacy for a director's office during the period specified by Subsection (b)(1):
 - (1) an election to fill that position is not required; and
 - (2) on the established election date, the directors shall:
 - (A) declare the single candidate as the director for that office; and
 - (B) certify the selection of the individual as director in the manner provided by Subsection (f) for an elected director.
- (e) If more than one individual files a notice of candidacy for a director's office during the period specified by Subsection (b)(1), the election shall be held at a meeting of eligible voters scheduled under Subsection (a). The district shall print ballots with the names of the candidates for each director's office to be filled. The district by rule shall provide for allowing eligible voters by personal appearance to cast votes on printed ballots at a location designated by the district instead of at the meeting. The rules must provide for votes to be accepted at the designated location during establish business hours for a period beginning on the 17th day before the date of the meeting and continuing through the fourth day before the date of the meeting, including at least one Saturday during that period. If, because of the date scheduled for the meeting, it is not possible to begin early voting by personal appearance on the prescribed date, the early voting period shall begin on the earliest practicable date as set by the district. Each eligible voter present at the scheduled meeting shall cast a vote by ballots printed under this subsection. If after tabulation by the district of the votes cast before the meeting at the designated location and the votes cast at the meeting no nominee has received a majority of the votes, the two candidates receiving the largest number of votes shall be voted on in a second ballot, and the candidate receiving the largest number of votes among those cast before the meeting at the designated location and those cast at the meeting in the second ballot is elected. The district by rule shall provide for certifying eligible voters voting at the designated location and at the meeting:
- (f) The directors shall:
 - (1) record the proceedings of the meeting; and
 - (2) not later than the fifth day after the date of the election, certify to the state board the name and the proper address of the person elected.
- (g) The Election Code does not apply to elections under this section.

Acts 1981, 67th Leg., p. 1470, ch. 388, Sec. 11, eff. Sept. 1, 1981. Amended by Acts 1985, 69th Leg., ch. 611, Sec. 7, eff. Sept. 1, 1985; Acts 1985, 69th Leg., ch. 611, Sec. 7, eff. Sept. 1, 1985; Acts 2001, 77th Leg., ch. 1095, Sec. 13, eff. Sept. 1, 2001.